

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EMMA KOE et al.,

Plaintiffs,

v.

CAYLEE NOGGLE et al.,

Defendants.

Case No. _____

DECLARATION OF HAILEY MOE

I, Hailey Moe,¹ hereby declare and state as follows:

1. I am over the age of eighteen, of sound mind, and in all respects competent to testify. I have personal knowledge of the information contained in this Declaration and would testify completely to those facts if called to do so.

¹ Because of concerns about my child's privacy and safety, I am seeking to proceed in this case under a pseudonym. *See Motion to Proceed Pseudonymously*, filed concurrently herewith. In addition, contemporaneous with signing this declaration, I have signed with my legal name a separate copy of this declaration. My attorneys have a copy of that separate declaration.

2. I am a Plaintiff in this Action, and I am the parent and next friend of my child, Tori, who is also a Plaintiff in this action.
3. Our family moved to Georgia in January 2021. We've been living in the greater Atlanta area since then. We specifically moved to Georgia from a nearby state to access better health care and education opportunities for our family. All three of our children attend Atlanta-area public schools. Tori and her twin brother are twelve (12) years old, and they have an older brother who is fourteen (14) years old. The siblings are very close; Tori and her elder brother have their ups and downs, but they would go to the ends of the earth for each other, and he is very supportive.
4. Tori started showing a tendency for traditionally “girl” clothing and toys around four or five years old. She always wanted to dress up, and we noticed quickly that she was happier dressing in “girls” clothing—she would often wear dress up clothes at school, or my clothes or her cousin’s clothes at home. At her kindergarten graduation, Tori was wearing a suit but insisted on wearing a pink shirt, a pink tie, and a pink unicorn hair band. When we would go on vacation, Tori would want to wear a girl’s bathing suit. Tori and her twin would both dress up as mermaids and perform “shows” for us. We allowed her to go out in female presenting clothes whenever she wanted

at school and in public. The spirit of dressing up was always celebrated in our home; Tori was always allowed to dress up, and she was often joined by her twin.

5. We wanted Tori to feel accepted, but honestly, it didn't occur to me that she might eventually identify as a girl—I thought she might be gay.
6. We never spoke specifically about it until around the time we moved to Atlanta. We watch documentaries once a week with our kids and one particular week, it was Tori's turn to pick. She picked a documentary that followed the lives of kids who are transgender. A little while after watching it, Tori told us that she was a girl and that she wanted to go to school as a girl. Since we had just moved, she saw this as her "fresh start," and was excited to start living her new life. We spoke with her at length, did research and asked her questions, but listened to her when she told us what she needed. We began using she/her pronouns to refer to Tori and she kept her birth name.
7. In our discussions since, when I've asked Tori when she knew she was a girl, she has indicated that maybe she has always known, but she might not have had the language for it.

8. Because we allowed Tori to express herself and dress how she chose for most of her childhood, her transition did not change our lives drastically. We have always been supportive of Tori being her full, authentic self, and are happy she was able to share herself with us. In March of this year, we put in an application to correct the birth certificate with the right gender marker.
9. We moved to Georgia in the middle of Tori's fifth grade year, and when she started school here, Tori would tell anyone who asked her that she is a girl.
10. Her transition coincided with our move to Georgia, so it has taken some time for Tori to adjust. We did not rush or push her and let her set the pace. She was already dressing as female and had access to girls' clothing at any time she wanted. It wasn't until winter break of this past year that Tori became more outwardly expressive of her gender identity. She is dressing as her peers and is thriving socially, which was something we have been hoping for. Tori does not in any way see herself as male, nor does she live her life as one.
11. She has been seeing a therapist regularly for around eight months now, and was diagnosed with gender dysphoria in that time. She has been experiencing anxiety at the thought of going through male puberty. Tori has told me several times that she wants to go through female puberty.

12. In January 2023, Tori was determined to have begun puberty by both her pediatrician and her pediatric endocrinologist. Her doctors prescribed puberty blocking medication and she has taken two doses so far.

13. I want to obtain hormone therapy for my daughter at the right time and this law bars me from making that decision. I have been monitoring where her friends are at in their development in hopes that I can time Tori's hormone therapy treatment to coincide with her peers, particularly as we head into a new school year and there are many changes associated with that time period. This is a month-by-month consideration for our family, based on Tori's medical, social, and mental health and progress. Our family should not be rushed into seeking affirming medical treatment on an arbitrary deadline.

14. We aren't sure what we will do if Tori cannot get the medications she needs in Georgia. We have already moved once in the past few years, and it was very difficult on our family, and on my health. I do not want to leave Georgia, but I will do what I have to do to ensure that my child receives the care she needs. Tori has asked me what will happen if she can't get access to medication in Georgia, and she gets upset when we talk about it at length. She expresses concern for her future, as well as a deep sympathy towards

others who are in a similar situation. She is aware of the sacrifices and challenges her family will make on her behalf as a female.

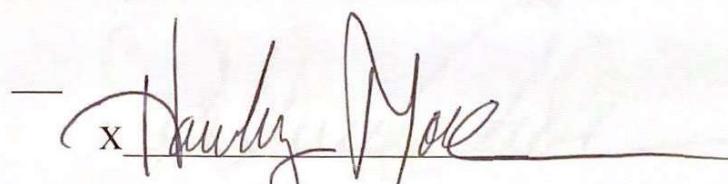
15. Tori has always been steadfast in who she is, and we have loved watching her carve her own path through the world. Until this point, she has been thriving, and we have been able to support her and access the medical care she both needs and deeply desires. She is exceptionally bright, and has blossomed socially and intellectually in the past few years. The idea of going through male puberty is devastating to her, and for her to be stuck on puberty blocking medication as her peers' progress in their development is cruel, and will be difficult for her emotionally. She is adamant that she wants to be as physically female as possible, and has specifically stated she wants to grow breasts. Tori has a lot of anxiety at the thought of developing facial hair, a deeper voice, and an Adam's apple – typical markers of male puberty. I fear for my child's safety from self-harm due to not have access to life-saving medication.

16. This law deprives me and my husband of our right to ensure our child receives appropriate and affirming medical care. I am afraid of the chaos that will envelop my child's life and our lives by extension if Tori is not able to access medical care.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of June 2023.

Respectfully Submitted,


Hailey Moe